IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 12057 of 1998

Between:

1 K.Damodaran, S/o. Krishna Swamay Naidu,
R/o. Nellore , Vehicle No.AAN 8883.
2 S.Venkateswaramma , W/o. Sambasiva Rao,
R/o. Vijayawada, Vehicle No.AAH 1454.
3 K.Nagabushnam, S/o. K.Subbaiah,
R/o. Vijayawada, Vehicle No.ATV 8478.
4 B.Poorna Chandra Rao, S/o. Sheshaiah,
R/o. Vijayawada, Vehicle No.AP2OT 5666
5 O.Vnenkateswarlu, S/o. Appaiah,
R/o. Vijayawada, Vehicle No.TN01 0072.
6 S.Ammaiah Chowdary, S/o. Subbaiah,
R/o. Guntur, Vehicle No.AP7T 5009.
7 M.Mallikarjuna Rao, S/o. Kondaiah,
R/o. Guntur, Vehicle No.AP24T 7945.

..... PETITIONERS

AND

1 The Secretary, Regional Transport Authority,
Nellore.
2 The Secretary, Regional Transport Authority,
Vijayawada.
3 The Secretary, Regional Transport Authority,
Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction, declaring that the action of the respondents in insisting the gross vehicle weight of Vehicles of the petitioners bearing registration numbers as mentioned in the cause title as 15,244 Kgs in as illegal, contrary to law and further and further hold that the said vehicles entitled to be assigned a Gross Vehicle Weight of 16,200 Kgs in the Registration Certificate of the Vehicle Weight of 16,200 Kgs in accordance with

Sec.58(4) and consequently direct the respondent here into enter the gross Vehicle Weight of 16,200 Kgs in the Registration Certificate of the Vehicles.

Counsel for the Petitioner: MR.B.CHANDRA SHEKHAR

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following:

ORDER:

This writ petition is filed seeking a writ of Mandamus to declare the action of the respondent-Secretary, Regional Transport Authority, insisting the gross vehicle weight of the vehicles of the petitioners as 15,244 kgs as illegal and arbitrary and further, to declare that the petitioners are entitled to carry gross vehicle weight of 16,200 kgs in their goods vehicles.

When the matter is taken up for hearing, it is submitted by the learned counsel appearing for the petitioners and conceded by the learned Government Pleader for Transport appearing for the respondent that the subject matter involved in this writ petition is squarely covered by the judgment of the Apex Court in **N.Venkateswara Rao Vs. S.T.A.**, wherein the Apex Court has elaborately discussed the matter and dismissed the writ appeals and W.P.No.6211 of 1990 and batch.

In the circumstances, following the aforesaid judgment of the Apex Court, this writ petition is also dismissed for similar reasons. No order as to costs.

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08.04.2005

dr/tvk

To

1 The Secretary, Regional Transport Authority,
Nellore.
2 The Secretary, Regional Transport Authority,
Vijayawada.
3 The Secretary, Regional Transport Authority,
Guntur.

4 2 CCs to Government Pleader for Transport,

High Court Buildings, High Court of A.P., Hyderabad. (OUT)

5 2 CD copies

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